

United States District Court
Southern - WesternEdward Smith
V. Petitioner

Civil Case No: C-1-01-814

Judge Susan J. Dlott

Mag. Judge David S. Perelman

Citation of Supplemental

Authorities: to objection

Report and recommendation

Ground 7: 4th Amendment

Warrant Violation

Memorandum in SupportAnthony J. Brigand
Respondent

2004 AUG 11 PM 1:42

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF
WEST VIRGINIAFILED
JAMES
CLERY

Now comes Edward Smith, petitioner, pro se and hereby moves this Honorable Court to allow this citation of Supplemental authorities to supplemental memorandum (document 22) Object to magistrate Report and Recommendation Ground SEVEN: 4th Amendment Warrant Violation. Fed. R. Crim P. 41(a) through a WARRANTLESS ARREST AND SEARCH absent exigent and consent.

THE 6th CIR. (1982) in Riley V. Gray 674 F2d 522, 524.525 affirmed this court issuance of Writ of Habeas on a RECONSIDERATION motion after petitioner pointed out to the court that MINCEY V. ARIZONA 437 U.S. 395, 98 S. Ct. 2408, 57 LEd 2d 290 (1978), held that no "CRIME SCENE" EXCEPTION to the WARRANT REQUIREMENT exists. ABSENCE EXIGENT CIRCUMSTANCES OR CONSENT, to justify.

THE Petitioner pray this Honorable Court grant the Writ of Habeas and discharge the Petitioner.

Respectfully Submitted

~~Edward Smith~~, petitioner

Edward Smith, petitioner

#A. 346-408 WARREN COER.

Inst. P.O. Box 120 Lebanon

OH. 45036

Certificate of Service

I, Edward Smith, petitioner, pro se do hereby certify that a copy of this motion was given to prison officials for prepaid postage U.S. mail to: Thelma Thomas Price Ass't Attorney General, Corr. Litigation Section, 140 East Town St. 14th Fl. Columbus, OH 43215-6601 on this 5 day of August, 2004

Edward Smith, petitioner

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#A.346-48P Warren Corr. Inst.

P.O. Box 120

Lebanon, OH 45036

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